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## **Meeting with OIRA: Small UAS Rulemaking** **November 21, 2014**

Thank you for the opportunity to meet to discuss the FAA's proposed rulemaking on Operation and Certification of Small Unmanned Aircraft Systems (sUAS), which would adopt specific rules for the operation of sUAS in the national airspace system. These changes would address the classification of small unmanned aircraft, certification of their pilots and visual observers, registration, approval of operations, and operational limits in order to increase the safety and efficiency of the national airspace system.

In the interest of time, we have identified a few issues for discussion, as well as attached information about the attendees.

We appreciate this opportunity to discuss the following issues:

### **1) DELAYS IN THE RULEMAKING**

When Congress passed the FAA Modernization and Reform Act of 2012, they set specific deadlines for UAS integration into the national airspace. Integration is a complex task that requires careful thought to protect safety and operations of all aircraft in the national airspace. Nevertheless, the FAA has failed to meet all of the deadlines established by Congress as well as the self-imposed timetable of the original UAS Roadmap. The most recent DOT OIG Report further casts doubt on the FAA's ability to issue a final rule in a timely manner. The delays in the rulemaking process impose substantial costs on the public, both in terms of lost business opportunities and the rise in unregulated, unsafe operations. According to the FAA, over the ten years following proper regulatory authorizations, UAS will provide \$89.5 billion dollars in commerce worldwide over ten years. Each month that passes, this commercial activity moves farther down the line. OIRA should use its review process to reinforce the need for FAA to devote sufficient resources to ensure that the NPRM and the final rule are issued as quickly as possible.

### **2) PILOT LICENSE**

Piloting requirements for aircraft are governed by 14 CFR Part 61. The purpose of Part 61 is to ensure that the skill and competency of any pilot-in-command (PIC) matches the

airspace in which the PIC will be operating. The FAA currently takes the position that a private pilot's license is required for any commercial UAS PIC. The training and education of persons obtaining a private or commercial pilots license is not an adequate match for UAS operation in low altitude environments, particularly given the vast differences in the control and flight profiles between conventional aircraft and UAS. A separate UAS pilot certificate that combines ground school with flight experience with small UAS will provide a superior level of safety at a lower cost to the operator and pilot.

### **3) SENSE AND AVOID TECHNOLOGY**

One of the primary challenges to safe UAS integration is the need for sense and avoid technologies that prevent collisions (or unsafe distances) with other aircraft, people, the ground, and any other obstacles that could result in a crash or other harm. SkySpecs has developed a system to prevent many such collisions with a focus on "the last 50 feet," thus allowing safe UAS operation up-close-and-personal with the objects we live, work, or recreate around. OIRA should consider asking FAA to provide incentives, or even require, proven collision avoidance systems to make operations safer. For example, perhaps the rule could include provisions for permitting UAS operations in closer proximity to persons or property when the UAS includes such collision avoidance systems.

### **ATTENDEES**

#### **McKenna, Long & Aldridge LLP**

McKenna Long & Aldridge LLP (MLA) is an international law firm with more than 500 attorneys and public policy advisors in 15 offices and 13 markets, including an extremely active UAS practice group that has established itself as the "go-to" counsel for UAS manufacturers, operators and users. The firm has assembled and leads an external UAS Advisory Group consisting of representatives from various industry segments – manufacturers, users, and operators of UAS – who have a strong interest in the upcoming sUAS rule and the attendant policy issues. The firm held a UAS Symposium in June 2014 attended by 170 registrants from 80 companies.

#### **SkySpecs**

SkySpecs WingMan technologies provide tools to simplify the experience of piloting a drone. By automating the complexities of flight, WingMan allows pilots to focus on the mission objectives instead of flight safety. These products are platform-agnostic, drop-in modules that can be equipped as a co-pilot on any popular system. Guardian, SkySpecs' flagship product, is a seamless co-pilot that takes over flight control when an obstacle is nearby or a collision is imminent. Once the risk has been averted, Guardian fully relinquishes control to the human operator. The operator need not know, necessarily, that he or she was even assisted, thus enabling even inexperienced or novice drone operators to fly confidently and without risk to persons or property.

#### **Measure**

Measure, a 32 Advisors Company, is one of the world's leading Drone as a Service® (DAAS) companies. Measure was founded specifically to enable clients to avoid the capital expense and operating risks of establishing their own UAS programs and to purchase UAS support in a way

which better fits their operations and cost profiles. In a market largely comprised of manufacturers, Measure is the model for how UAS service will develop and grow in the future. Measure is a solutions business focused on utilising innovative aerial technologies to deliver specific, low risk and cost effective data solutions to clients.

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